

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID VIGIL,

Plaintiff,

vs.

C.R. BARD, INC., and BARD
PERIPHERAL VASCULAR, INC.,

Defendants.

8:19CV398

ORDER

Upon review of the parties' joint motion, (Filing No. 44), which is hereby granted,

IT IS ORDERED: IT IS ORDERED that the final progression order is as follows:

- 1) The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings is continued and will be held with the undersigned magistrate judge on **June 9, 2021** at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 8, 2021. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by January 22, 2021.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	January 28, 2021.
For the defendant(s):	March 1, 2021.
Plaintiff(s)' rebuttal:	March 16, 2021.
Defendant's rebuttal: ²	April 19, 2021.

- 4) The deposition deadline for non-expert witnesses, including but not limited to depositions for oral testimony only under Rule 45, is January 8, 2021.
- 5) The deposition deadline for expert witnesses is

For the plaintiff(s):	April 19, 2021.
For the defendant(s):	May 25, 2021.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is June 29, 2021.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is June 29, 2021.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All other deadlines remain unchanged.

July 31, 2020

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

² Notwithstanding the modification of the Scheduling Order, footnote 2 of the Scheduling Order is still in effect.